

Senate Study Bill 1101

SENATE FILE _____
BY (PROPOSED JUDICIAL
BRANCH BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act concerning procedures, duties, and fees related to the
2 judicial branch.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1209DP 80
5 jm/sh/8

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1 1 Section 1. Section 232.35, subsection 1, Code 2003, is
1 2 amended to read as follows:
1 3 1. A formal judicial proceeding to determine whether a
1 4 child has committed a delinquent act shall be initiated by the
1 5 filing by the county attorney of a petition alleging that a
1 6 child has committed a delinquent act. After a petition has
1 7 been filed, service of a summons requiring the child to appear
1 8 before the court or service of a notice shall be made as
1 9 provided in section 232.37.
1 10 Sec. 2. Section 232.37, subsection 4, Code 2003, is
1 11 amended to read as follows:
1 12 4. Service of summons or notice shall be made personally
1 13 by the sheriff by the delivery of delivering a copy of the
1 14 summons or notice to the person being served. If the court
1 15 determines that personal service of a summons or notice is
1 16 impracticable, the court may order service by certified mail
1 17 addressed to the last known address. Service of summons or
1 18 notice shall be made not less than five days before the time
1 19 fixed for hearing. Service of summons, notice, subpoenas or
1 20 other process, after an initial valid summons or notice, shall
1 21 be made in accordance with the rules of the court governing
1 22 such service in civil actions.
1 23 Sec. 3. Section 232.183, subsection 7, Code 2003, is
1 24 amended by striking the subsection.
1 25 Sec. 4. Section 236.3, unnumbered paragraph 2, Code 2003,
1 26 is amended to read as follows:
1 27 The filing fee and court costs for an order for protection
1 28 and in a contempt action under this chapter shall be waived
1 29 for the plaintiff. The clerk of court, the sheriff of any
1 30 county in this state, and other law enforcement and
1 31 corrections officers shall perform their duties relating to
1 32 service of process without charge to the plaintiff. When an
1 33 order for protection is entered by the court, the court may
1 34 direct the defendant to pay to the clerk of court the fees for
1 35 the filing of the petition and reasonable costs of service of
2 1 process if the court determines the defendant has the ability
2 2 to pay the plaintiff's fees and costs.
2 3 Sec. 5. Section 237.20, unnumbered paragraph 1, Code 2003,
2 4 is amended to read as follows:
2 5 A local board shall, except in delinquency cases, do the
2 6 following:
2 7 Sec. 6. Section 255.1, unnumbered paragraph 1, Code 2003,
2 8 is amended to read as follows:
2 9 Any adult resident of the state may file a complaint in the
2 10 office of the clerk of any juvenile court, county general
2 11 assistance director charging that any legal resident of Iowa
2 12 residing in the county where the complaint is filed is
2 13 pregnant or is suffering from some malady or deformity that
2 14 can probably be improved or cured or advantageously treated by
2 15 medical or surgical treatment or hospital care, and that
2 16 neither such person nor persons legally chargeable with the
2 17 person's support are able to pay therefor.
2 18 Sec. 7. Section 255.4, Code 2003, is amended to read as
2 19 follows:
2 20 255.4 EXAMINATION BY PHYSICIAN.
2 21 Upon the filing of such complaint, the clerk shall number
2 22 and index the same and county general assistance director
2 23 shall appoint a competent physician and surgeon, living in the

2 24 vicinity of the patient, who shall personally examine the
2 25 patient with respect to ~~said~~ the pregnancy, malady, or
2 26 deformity. The ~~clerk~~ director may, after the expiration of
2 27 five years from the filing of a complaint, destroy ~~it the~~
2 28 complaint and all papers or records in connection ~~therewith~~
2 29 with the complaint.

2 30 Sec. 8. Section 255.5, Code 2003, is amended to read as
2 31 follows:

2 32 255.5 REPORT BY PHYSICIAN.

2 33 Such physician shall make a report in duplicate on blanks
2 34 furnished as ~~hereinafter~~ provided in this chapter, answering
2 35 the questions contained ~~therein in the blanks~~ and setting
3 1 forth the information required ~~thereby~~, giving such history of
3 2 the case as will be likely to aid the medical or surgical
3 3 treatment or hospital care of such patient, describing the
3 4 pregnancy, deformity, or malady in detail, and stating whether
3 5 or not in the physician's opinion the ~~same pregnancy,~~
3 6 deformity, or malady can probably be improved or cured or
3 7 advantageously treated, which report shall be filed in the
3 8 office of the ~~clerk within such time as the clerk may fix~~
3 9 county general assistance director.

3 10 Sec. 9. Section 255.6, Code 2003, is amended to read as
3 11 follows:

3 12 255.6 INVESTIGATION AND REPORT.

3 13 When a complaint is filed, ~~the clerk of juvenile court in~~
3 14 the office of the county general assistance director, the
3 15 director shall furnish the county attorney and board of
3 16 supervisors with a copy and the board shall, by the general
3 17 assistance director or other agent it selects, make a thorough
3 18 investigation of facts as to the legal residence of the
3 19 patient, and the ability of the patient or others chargeable
3 20 with the patient's support to pay the expense of treatment and
3 21 care; and shall file a report of the investigation ~~in the~~
3 22 office of the clerk, with the board at or before the time of
3 23 hearing.

3 24 Sec. 10. Section 255.8, Code 2003, is amended to read as
3 25 follows:

3 26 255.8 ~~HEARING -- ORDER -- EMERGENCY CASES -- CANCELLATION~~
3 27 ~~OF COMMITMENTS DETERMINATION BY BOARD OF SUPERVISORS.~~

3 28 ~~The county attorney and the general assistance director, or~~
3 29 ~~other agent of the board of supervisors of the county, shall~~
3 30 ~~appear at the hearing. The complainant, the county attorney,~~
3 31 ~~the general assistance director or other agent of the board of~~
3 32 ~~supervisors, and the patient, or any person representing the~~
3 33 ~~patient, may introduce evidence and be heard. If the court~~
3 34 ~~board of supervisors finds that the patient is a legal~~
3 35 ~~resident of Iowa and is pregnant or is suffering from a malady~~
4 1 ~~or deformity which can probably be improved or cured or~~
4 2 ~~advantageously treated by medical or surgical treatment or~~
4 3 ~~hospital care, and that neither the patient nor any person~~
4 4 ~~legally chargeable with the patient's support is able to pay~~
4 5 ~~the expenses, then the clerk of court county general~~
4 6 ~~assistance director, except in obstetrical cases and~~
4 7 ~~orthopedic cases, shall immediately ascertain from the~~
4 8 ~~admitting physician at the university hospital whether the~~
4 9 ~~person can be received as a patient within a period of thirty~~
4 10 ~~days, and if the patient can be received, the court, or in the~~
4 11 ~~event of no actual contest, the clerk of the court, board~~
4 12 ~~shall enter an order directing direct that the patient be sent~~
4 13 ~~to the university hospital for proper medical and surgical~~
4 14 ~~treatment and hospital care. If the court ascertain board~~
4 15 ~~ascertains, except in obstetrical cases and orthopedic cases,~~
4 16 ~~that a person of the age or sex of the patient, or afflicted~~
4 17 ~~by the complaint, disease, or deformity with which the person~~
4 18 ~~is afflicted, cannot be received as a patient at the~~
4 19 ~~university hospital within the period of thirty days, then the~~
4 20 ~~court or the clerk shall enter an order directing the board of~~
4 21 ~~supervisors of shall direct the county to provide adequate~~
4 22 ~~treatment at county expense for the patient at home or in a~~
4 23 ~~hospital. Obstetrical cases and orthopedic cases may be~~
4 24 ~~committed to the university hospital without regard to the~~
4 25 ~~limiting period of thirty days.~~

4 26 In any case of emergency the ~~court or the clerk board of~~
4 27 supervisors without previous inquiry may at its discretion
4 28 order the patient to be immediately taken to and accepted by
4 29 the university hospital for the necessary care as provided in
4 30 section 255.11, but if such a patient cannot be immediately
4 31 accepted at the university hospital as ascertained by
4 32 telephone if necessary, ~~the court or the clerk may enter an~~
4 33 ~~order as in certain cases above set forth directing the board~~
4 34 of supervisors shall direct the county to provide adequate

4 35 treatment at county expense for the ~~said~~ patient at home or in
5 1 a hospital.

5 2 Sec. 11. Section 255.13, Code 2003, is amended to read as
5 3 follows:

5 4 255.13 ATTENDANT == PHYSICIAN == COMPENSATION.

5 5 If the physician appointed to examine the patient ~~shall~~
5 6 ~~certify~~ certifies that an attendant to accompany the patient
5 7 to the ~~said~~ hospital is necessary, and the university hospital
5 8 attendant and ambulance service is not available, ~~then the~~
5 9 ~~court or judge or clerk of the court the county general~~
5 10 ~~assistance director~~ may appoint an attendant who shall receive
5 11 not exceeding two dollars per day for the time thus
5 12 necessarily employed and actual necessary traveling expenses
5 13 by the most feasible route to ~~said the~~ hospital whether by
5 14 ambulance, train, or automobile; but if such appointee is a
5 15 relative of the patient or a member of the patient's immediate
5 16 family, or receives a salary or other compensation from the
5 17 public for the appointee's services, no such per diem
5 18 compensation shall be paid. The physician appointed ~~by the~~
5 19 ~~court or clerk~~ to make the examination and report shall
5 20 receive ~~therefor~~ three dollars for each examination and report
5 21 so made and the physician's actual necessary expenses incurred
5 22 in making such examination, but if ~~said the~~ physician receives
5 23 a salary or other compensation from the public for the
5 24 physician's full-time services, ~~then~~ no such examination fee
5 25 shall be paid. The actual, necessary expenses of transporting
5 26 and caring for the patient shall be paid as ~~hereinafter~~
5 27 provided in this chapter.

5 28 Sec. 12. Section 255.14, Code 2003, is amended to read as
5 29 follows:

5 30 255.14 PAYMENT OF EXPENSES == HOW PAID.

5 31 An itemized, verified statement of all charges provided for
5 32 in sections 255.8 and 255.13, in cases where the patient is
5 33 admitted or accepted for treatment at the university hospital
5 34 shall be filed with the superintendent of the university
5 35 hospital, and upon the superintendent's recommendation when
6 1 approved by the ~~judge or clerk of the court under whose order~~
6 2 ~~the same were incurred board of supervisors, they the charges~~
6 3 shall be ~~charged~~ included on the regular bill for the
6 4 maintenance, transportation and treatment of the patient, and
6 5 be audited and paid in the manner as ~~hereinafter~~ provided in
6 6 this chapter.

6 7 Sec. 13. Section 321.20B, subsection 4, paragraph b,
6 8 subparagraph (1), unnumbered paragraph 1, Code 2003, is
6 9 amended to read as follows:

6 10 An owner or driver who produces to the clerk of court,
6 11 ~~within thirty days of the issuance of the citation under~~
6 12 ~~paragraph "a", or prior to the date of the individual's court~~
6 13 ~~appearance as indicated on the citation, whichever is earlier,~~
6 14 proof that financial liability coverage was in effect for the
6 15 motor vehicle at the time the person was stopped and cited,
6 16 or, if the driver is not the owner of the motor vehicle, proof
6 17 that liability coverage was in effect for the driver with
6 18 respect to the motor vehicle being driven at the time the
6 19 driver was stopped and cited, in the same manner as if the
6 20 motor vehicle were owned by the driver, shall be given a
6 21 receipt indicating that such proof was provided and be subject
6 22 to one of the following:

6 23 Sec. 14. Section 321.20B, subsection 4, paragraph c, Code
6 24 2003, is amended to read as follows:

6 25 c. An owner or driver cited for a violation of subsection
6 26 1, who produces to the clerk of court ~~within thirty days of~~
6 27 ~~the issuance of the citation prior to the date of the~~
6 28 ~~individual's court appearance as indicated on the citation~~
6 29 proof that financial liability coverage was in effect for the
6 30 motor vehicle at the time the person was stopped and cited,
6 31 shall not be convicted of such violation and the citation
6 32 issued shall be dismissed.

6 33 Sec. 15. Section 321.20B, subsection 5, paragraph b, Code
6 34 2003, is amended to read as follows:

6 35 b. Issue a citation. An owner or driver who produces to
7 1 the clerk of court ~~within thirty days of the issuance of the~~
7 2 ~~citation, or prior to the date of the individual's court~~
7 3 ~~appearance as indicated on the citation, whichever is earlier,~~
7 4 proof that the financial liability coverage was in effect for
7 5 the motor vehicle at the time the person was stopped and
7 6 cited, or if the driver is not the owner of the motor vehicle,
7 7 proof that liability coverage was in effect for the driver
7 8 with respect to the motor vehicle being driven at the time the
7 9 driver was stopped and cited in the same manner as if the
7 10 motor vehicle were owned by the driver, shall be given a

7 11 receipt indicating that proof was provided, and the citation
7 12 issued shall be dismissed.

7 13 Sec. 16. Section 321.484, unnumbered paragraph 2, Code
7 14 2003, is amended to read as follows:

7 15 The owner of a vehicle shall not be held responsible for a
7 16 violation of a provision regulating the stopping, standing, or
7 17 parking of a vehicle, whether the provision is contained in
7 18 this chapter, or chapter 321L, or an ordinance or other
7 19 regulation or rule, if the owner establishes that at the time
7 20 of the violation the vehicle was in the custody of an
7 21 identified person other than the owner pursuant to a lease as
7 22 defined in chapter 321F or pursuant to a rental agreement as
7 23 defined in section 516D.3. The furnishing to the ~~clerk of the~~
7 24 ~~district court county attorney~~ where the charge is pending of
7 25 a copy of the lease prescribed by section 321F.6 or rental
7 26 agreement that was in effect for the vehicle at the time of
7 27 the alleged violation shall be prima facie evidence that the
7 28 vehicle was in the custody of an identified person other than
7 29 the owner within the meaning of this paragraph, and the charge
7 30 against the owner shall be dismissed. The ~~clerk of the~~
7 31 ~~district court county attorney~~ then shall cause a uniform
7 32 citation and complaint to be issued against the lessee or
7 33 renter of the vehicle, and the citation shall be served upon
7 34 the defendant by ordinary mail directed to the defendant at
7 35 the address shown in the lease or rental agreement.

8 1 Sec. 17. Section 331.653, Code 2003, is amended by adding
8 2 the following new subsection:

8 3 NEW SUBSECTION. 23A. Carry out duties related to service
8 4 of a summons, notice, or subpoena pursuant to sections 232.35,
8 5 232.37, and 232.88.

8 6 Sec. 18. Section 331.804, subsection 2, Code 2003, is
8 7 amended to read as follows:

8 8 2. If no one is entitled by law to the property or money
8 9 found on a deceased person, the property ~~shall be deposited~~

~~with the clerk of the district court who shall dispose of it~~
8 11 ~~as provided by law or money shall be disposed of as follows:~~

8 12 a. The medical examiner shall send the property or money
8 13 to the local law enforcement agency of the jurisdiction in

8 14 which the property or money was found, and provide the name of
8 15 the decedent along with an affidavit describing the property

8 16 or amount of money recovered.

8 17 b. The local law enforcement agency shall send a copy of
8 18 the affidavit to the county auditor who shall enter a

8 19 description of the property and the estimated value of the
8 20 property in the auditor's lost property book provided in
8 21 chapter 556F, together with the copy of the affidavit.

8 22 Sec. 19. Section 598.21, Code 2003, is amended by adding
8 23 the following new subsection:

8 24 NEW SUBSECTION. 10A. If the court modifies an order, and
8 25 the original decree was entered in another county in Iowa, the
8 26 clerk of court shall send a copy of the modification by
8 27 regular mail, electronic transmission, or facsimile to the
8 28 clerk of court for the county where the original decree was
8 29 entered.

8 30 Sec. 20. Section 602.1304, subsection 2, paragraph a, Code
8 31 2003, is amended to read as follows:

8 32 a. The enhanced court collections fund is created in the
8 33 state treasury under the authority of the supreme court. The
8 34 fund shall be separate from the general fund of the state and
8 35 the balance in the fund shall not be considered part of the
9 1 balance of the general fund of the state. Notwithstanding
9 2 section 8.33, moneys in the fund shall not revert to the
9 3 general fund, unless and to the extent the total amount of
9 4 moneys deposited into the fund in a fiscal year would exceed
9 5 the maximum annual deposit amount established for the
9 6 collections fund by the general assembly. The initial maximum
9 7 annual deposit amount for a fiscal year is ~~four~~ six million
9 8 dollars. Notwithstanding section 12C.7, subsection 2,
9 9 interest or earnings on moneys in the collections fund shall
9 10 remain in the collections fund and any interest and earnings
9 11 shall be in addition to the maximum annual deposit amount.

9 12 Sec. 21. Section 602.6111, subsection 1, Code 2003, is
9 13 amended to read as follows:

9 14 1. Each petition or complaint, answer, appearance, first
9 15 motion, or any document filed with the clerk of the district
9 16 court which brings new parties into an action shall bear a
9 17 personal identification number. The personal identification
9 18 number shall be the employer identification number of the
9 19 party or if the social security number of each separate party
9 20 does not have an employer identification number, the personal
9 21 identification number shall be a nine-digit number assigned by

9 22 the clerk. The clerk shall also assign a personal
9 23 identification number to attorneys making such filings on
9 24 behalf of a client in court. In addition, each party that has
9 25 a social security number shall provide the clerk with the
9 26 number and the party's date of birth. The social security
9 27 number shall be provided on a confidential form and shall be
9 28 kept confidential in accordance with rules prescribed by the
9 29 supreme court. If an individual party's driver's license
9 30 lists a distinguishing number other than the party's social
9 31 security number, the document filed with the clerk of the
9 32 district court shall also contain the distinguishing number
9 33 from the party's driver's license.

9 34 Sec. 22. Section 602.8102, subsection 9, Code 2003, is
9 35 amended to read as follows:

10 1 9. Enter in the appearance docket a memorandum of the date
10 2 of filing of all petitions, demurrers, answers, motions, or
10 3 papers of any other description in the cause. A pleading of
10 4 any description is considered filed when the clerk entered the
10 5 date the pleading was received on the pleading and the
10 6 pleading shall not be taken from the clerk's office until the
10 7 memorandum is made. The memorandum shall be made ~~before the~~
~~10 8 end of the next working day within forty-eight hours of a new~~
~~10 9 petition or order being filed, and as soon as practicable for~~
~~10 10 all other pleadings.~~ Thereafter, when a demurrer or motion is
10 11 sustained or overruled, a pleading is made or amended, or the
10 12 trial of the cause, rendition of the verdict, entry of
10 13 judgment, issuance of execution, or any other act is done in
10 14 the progress of the cause, a similar memorandum shall be made
10 15 of the action, including the date of action and the number of
10 16 the book and page of the record where the entry is made. The
10 17 appearance docket is an index of each suit from its
10 18 commencement to its conclusion.

10 19 Sec. 23. Section 602.8102, subsection 11, Code 2003, is
10 20 amended to read as follows:

10 21 11. Refund amounts less than ~~one dollar~~ three dollars only
10 22 upon written application.

10 23 Sec. 24. Section 602.8106, subsection 1, paragraphs b, c,
10 24 d, and e, Code 2003, are amended to read as follows:

10 25 b. For filing and docketing of a complaint or information
10 26 for a simple misdemeanor and a complaint or information for a
10 27 nonscheduled simple misdemeanor under chapter 321, ~~twenty-five~~
10 28 seventeen dollars.

10 29 c. For filing and docketing a complaint or information or
10 30 uniform citation and complaint for parking violations under
10 31 sections 321.236, 321.239, 321.358, 321.360, and 321.361, ~~one~~
~~10 32 dollar~~ eight dollars, effective January 1, ~~1991~~ 2004. The
10 33 court costs in cases of parking meter and overtime parking
10 34 violations which are denied, and charged and collected
10 35 pursuant to section 321.236, subsection 1, or pursuant to a
11 1 uniform citation and complaint, are eight dollars per
11 2 information or complaint or per uniform citation and complaint
11 3 effective January 1, 1991.

11 4 d. The court costs in scheduled violation cases where a
11 5 court appearance is required ~~are twenty-five, seventeen~~
11 6 dollars.

11 7 e. For court costs in scheduled violation cases where a
11 8 court appearance is not required, ~~fifteen~~ seventeen dollars.

11 9 Sec. 25. Section 624.20, Code 2003, is amended to read as
11 10 follows:

11 11 624.20 SATISFACTION OF JUDGMENT.

11 12 Where a judgment is set aside or satisfied by execution or
11 13 otherwise, the clerk shall at once enter a memorandum thereof
11 14 on the column left for that purpose in the judgment docket.
11 15 However, the clerk may enter satisfaction of judgment if the
11 16 amount of the judgment that is unsatisfied is ~~one dollar~~ three
11 17 dollars or less.

11 18 Sec. 26. Section 631.5, subsection 6, Code 2003, is
11 19 amended to read as follows:

11 20 6. DEFAULT. If a defendant fails to appear and the clerk
11 21 in accordance with subsection 4 determines that proper notice
11 22 has been given, judgment shall be rendered against the
11 23 defendant by the clerk if the relief is readily ascertainable.
11 24 If the relief is not readily ascertainable the claim shall be
11 25 assigned to a judicial magistrate for determination ~~and the~~
~~11 26 clerk shall immediately notify the plaintiff or the~~
~~11 27 plaintiff's attorney and the judicial magistrate of such~~
~~11 28 assignment by ordinary mail.~~

11 29 Sec. 27. Section 631.6, subsection 1, paragraph c, Code
11 30 2003, is amended to read as follows:

11 31 c. Postage charged for the mailing of original notice
11 32 shall be ~~the actual costs of the postage~~ eight dollars.

11 33 Sec. 28. Section 633.47, Code 2003, is amended to read as
11 34 follows:
11 35 633.47 PROOF OF SERVICE AND ~~TAXATION PAYMENT~~ OF COSTS.
12 1 Proof of service of any notice, required by this Code or by
12 2 order of court, including those by publication, shall be filed
12 3 with the clerk. The costs of serving any notice given by the
12 4 fiduciary shall be ~~taxed by the clerk as part of the costs of~~
12 5 ~~administration in said be paid directly by the estate.~~
12 6 Sec. 29. Section 633.301, Code 2003, is amended to read as
12 7 follows:
12 8 633.301 COPY OF WILL FOR EXECUTOR.
12 9 When a will has been admitted to probate and certified
12 10 pursuant to section 633.300, the clerk shall cause ~~an~~
12 11 ~~authenticated a certified~~ copy thereof to be placed in the
12 12 hands of the executor to whom letters are issued. The clerk
12 13 shall retain the will in a separate file provided for that
12 14 purpose until the time for contest has expired, and promptly
12 15 thereafter shall place it with the files of the estate.
12 16 Sec. 30. Section 633.479, unnumbered paragraph 2, Code
12 17 2003, is amended to read as follows:
12 18 An order approving the final report and discharging the
12 19 personal representative shall not be required if all
12 20 distributees otherwise entitled to notice are adults, under no
12 21 legal disability, have signed waivers of notice as provided in
12 22 section 633.478, have signed statements of consent agreeing
12 23 that the prayer of the final report shall constitute an order
12 24 approving the final report and discharging the personal
12 25 representative, and if the statements of consent are dated not
12 26 more than thirty days prior to the date of the final report,
12 27 and if compliance with sections 422.27 and 450.58 have been
12 28 fulfilled and receipts and certificates are on file. In those
12 29 instances final order shall not be required and the prayer of
12 30 the final report shall be considered as granted and shall have
12 31 the same force and effect as an order of discharge of the
12 32 personal representative and an order approving the final
12 33 report. ~~The clerk shall comply with section 633.480 with~~
12 34 ~~respect to issuing a change of title.~~
12 35 Sec. 31. Section 633.480, Code 2003, is amended to read as
13 1 follows:
13 2 633.480 CERTIFICATE TO COUNTY RECORDER FOR TAX PURPOSES
13 3 WITH ADMINISTRATION.
13 4 After discharge as provided in section 633.479, ~~the clerk~~
13 5 ~~shall certify under chapter 558 relative to each parcel of~~
13 6 ~~real estate the personal representative shall deliver to the~~
13 7 ~~county recorder of the county in which the real estate is~~
13 8 ~~situated a certificate pertaining to each parcel of real~~
13 9 ~~estate described in the final report of the personal~~
13 10 ~~representative which has not been sold by the personal~~
13 11 ~~representative, and deliver the certificate to the county~~
13 12 ~~recorder of the county in which the real estate is situated.~~
13 13 The certificate shall include the name and complete mailing
13 14 address, as shown on the final report, of the individual or
13 15 entity in whose name each parcel of real estate is to be
13 16 taxed. The county recorder shall deliver the certificate to
13 17 the county auditor as provided in section 558.58.
13 18 Sec. 32. Section 633.481, Code 2003, is amended to read as
13 19 follows:
13 20 633.481 CERTIFICATE TO COUNTY RECORDER FOR TAX PURPOSES
13 21 WITHOUT ADMINISTRATION.
13 22 When an inventory or report is filed under section 450.22,
13 23 without administration of the estate of the decedent, the
13 24 ~~clerk heir or heir's attorney~~ shall ~~issue prepare~~ and deliver
13 25 to the county recorder of the county in which the real estate
13 26 is situated a certificate pertaining to each parcel of real
13 27 estate described in the inventory or report. Any fees for
13 28 certificates or recording fees required by this section or
13 29 section 633.480 shall be assessed as costs of administration.
13 30 The fee for recording and indexing the instrument shall be as
13 31 provided in section 331.604. The county recorder shall
13 32 deliver the certificates to the county auditor as provided in
13 33 section 558.58.
13 34 Sec. 33. Section 635.7, Code 2003, is amended to read as
13 35 follows:
14 1 635.7 REPORT AND INVENTORY == EXCESS VALUE AND
14 2 TERMINATION.
14 3 The executor or administrator is required to file the
14 4 report and inventory for which provision is made in section
14 5 633.361. Nothing in sections 635.1 to 635.3 shall exempt the
14 6 executor or administrator from complying with the requirements
14 7 of section 422.27, 450.22, ~~or 450.58, or the clerk from~~
14 8 ~~complying with the requirements of section 633.481.~~ If the

14 9 inventory and report shows assets subject to the jurisdiction
14 10 of this state which exceed the total gross value of the amount
14 11 permitted the small estate under the applicable provision of
14 12 section 635.1, the clerk shall terminate the letters issued
14 13 under section 635.1 without prejudice to the rights of persons
14 14 who delivered property as permitted under section 635.3. The
14 15 executor or administrator shall then be required to petition
14 16 for administration of the estate as provided in chapter 633.

14 17 Sec. 34. Section 668.13, subsection 3, Code 2003, is
14 18 amended to read as follows:

14 19 3. Interest shall be calculated as of the date of judgment
14 20 at a rate equal to the one-year treasury constant maturity
14 21 ~~index~~ published by the federal reserve in the H15 report
14 22 settled immediately prior to the date of the judgment plus two
14 23 percent. The state court administrator shall distribute
14 24 notice monthly of that rate and any changes to that rate to
14 25 all district courts.

14 26 Sec. 35. Section 902.4, Code 2003, is amended to read as
14 27 follows:

14 28 902.4 RECONSIDERATION OF FELON'S SENTENCE.

14 29 For a period of one year from the date when a person
14 30 convicted of a felony, other than a class "A" felony or a
14 31 felony for which a minimum sentence of confinement is imposed,
14 32 begins to serve a sentence of confinement, the court, on its
14 33 own motion or on the recommendation of the director of the
14 34 Iowa department of corrections, may order the person to be
14 35 returned to the court, at which time the court may review its
15 1 previous action and reaffirm it or substitute for it any
15 2 sentence permitted by law. Copies of the order to return the
15 3 person to the court shall be provided to the attorney for the
15 4 state, the defendant's attorney, and the defendant. Upon a
15 5 request of the attorney for the state, the defendant's
15 6 attorney, or the defendant if the defendant has no attorney,
15 7 the court may, but is not required to, conduct a hearing on
15 8 the issue of reconsideration of sentence. The court shall not
15 9 disclose its decision to reconsider or not to reconsider the
15 10 sentence of confinement until the date reconsideration is
15 11 ordered or the date the one-year period expires, whichever
15 12 occurs first. The district court retains jurisdiction for the
15 13 limited purposes of conducting such review and entering an
15 14 appropriate order notwithstanding the timely filing of a
15 15 notice of appeal. The court's final order in the proceeding
15 16 shall be delivered to the defendant personally or by ~~certified~~
15 17 regular mail. The court's decision to take the action or not
15 18 to take the action is not subject to appeal. However, for the
15 19 purposes of appeal, a judgment of conviction of a felony is a
15 20 final judgment when pronounced.

15 21 Sec. 36. Section 903.2, Code 2003, is amended to read as
15 22 follows:

15 23 903.2 RECONSIDERATION OF MISDEMEANANT'S SENTENCE.

15 24 For a period of thirty days from the date when a person
15 25 convicted of a misdemeanor begins to serve a sentence of
15 26 confinement, the court may order the person to be returned to
15 27 the court, at which time the court may review its previous
15 28 action and reaffirm it or substitute for it any sentence
15 29 permitted by law. The sentencing court retains jurisdiction
15 30 for the limited purposes of conducting such review and
15 31 entering an appropriate order notwithstanding the timely
15 32 filing of a notice of appeal or an application for
15 33 discretionary review. The court's final order in the
15 34 proceeding shall be delivered to the defendant personally or
15 35 by ~~certified~~ regular mail. Such action is discretionary with
16 1 the court and its decision to take the action or not to take
16 2 the action is not subject to appeal. The other provisions of
16 3 this section notwithstanding, for the purposes of appeal a
16 4 judgment of conviction is a final judgment when pronounced.

16 5 Sec. 37. Section 907.4, Code 2003, is amended to read as
16 6 follows:

16 7 907.4 DEFERRED JUDGMENT DOCKET.

16 8 A deferment of judgment under section 907.3 shall be
16 9 ~~reported~~ entered promptly by the clerk of the district court,
16 10 or the clerk's designee, ~~to the state court administrator for~~
~~16 11 entry in into the deferred judgment docket database of the~~
~~16 12 state, which shall serve as the deferred judgment docket.~~ The
16 13 docket shall contain a permanent record of the deferred
16 14 judgment including the name and date of birth of the
16 15 defendant, the district court docket number, the nature of the
16 16 offense, and the date of the deferred judgment. Before
16 17 granting deferred judgment in any case, the court shall
16 18 ~~request of the state court administrator a search of the~~
16 19 deferred judgment docket and shall consider any prior record

16 20 of a deferred judgment against the defendant. The permanent
16 21 record provided for in this section is a confidential record
16 22 exempted from public access under section 22.7 and shall be
16 23 available only to justices of the supreme court, judges of the
16 24 court of appeals, district judges, district associate judges,
16 25 judicial magistrates, clerks of the district court, ~~and~~ county
16 26 attorneys, and the department of corrections requesting
16 27 information pursuant to this section, or the designee of a
16 28 justice, judge, magistrate, clerk, or county attorney, or
16 29 department.

16 30 Sec. 38. Section 633.15, Code 2003, is repealed.

16 31 EXPLANATION

16 32 This bill relates to procedures and duties of the judicial
16 33 branch.

16 34 The amendments to Code sections 232.35, 232.37, and 331.653
16 35 require the county sheriff to serve a summons, notice, or
17 1 subpoena in a juvenile delinquency proceeding. The amendment
17 2 to Code section 232.37 also requires the sheriff to serve a
17 3 summons, subpoenas, or other legal process in child in need of
17 4 assistance proceedings under Code section 232.88.

17 5 The amendments to Code sections 232.183 and 237.20
17 6 eliminate the participation of the foster care review board in
17 7 voluntary foster care placements and in reviewing delinquency
17 8 cases involving foster care.

17 9 The amendment to Code section 236.3 requires that in a
17 10 contempt action for violation of a no contact domestic abuse
17 11 order, the filing fee and court costs for the victim shall be
17 12 waived by the court.

17 13 The amendments to Code chapter 255 relate to petitioning
17 14 for medical treatment of indigent persons. The bill provides
17 15 that the county general assistance director and not the clerk
17 16 of court shall file a complaint to appoint a physician to
17 17 examine an indigent person. The bill principally substitutes
17 18 the county general assistance director for the clerk of court
17 19 in administering a complaint for indigent care and removes the
17 20 clerk from the process other than to schedule hearings and
17 21 notify parties. The bill also principally substitutes the
17 22 board of supervisors for the court in reviewing the case and
17 23 issuing findings.

17 24 The amendments to Code section 321.20B relate to the
17 25 criminal offense of driving a motor vehicle without liability
17 26 insurance. The bill provides that an owner or driver charged
17 27 with a violation of Code section 321.20B may present proof of
17 28 liability coverage prior to the court date to have the charge
17 29 dismissed. Current law provides that the owner or driver
17 30 present proof of coverage to the clerk of court within 30 days
17 31 of the issuance of the citation to obtain a dismissal.

17 32 The amendment to Code section 321.484 relates to parking
17 33 violations. The bill provides that an owner of a vehicle
17 34 which has been issued a ticket may have the ticket dismissed
17 35 if the owner can furnish proof to the county attorney that a
18 1 lessee or renter had custody of the vehicle when the ticket
18 2 was issued. The bill provides the county attorney shall issue
18 3 a new parking ticket to the person who was in custody of the
18 4 vehicle if the ticket against the owner was dismissed.
18 5 Current law provides that the owner of a vehicle show proof of
18 6 coverage to the clerk of court and the clerk issue a new
18 7 ticket if the owner was not in custody of the vehicle.

18 8 The amendments to Code section 331.653(23A) and section
18 9 331.804 relate to the disposition of the property of a person
18 10 who is deceased, if no one is entitled to the property or
18 11 money by law. The bill provides that the medical examiner
18 12 shall send the property to the local law enforcement agency
18 13 where the property was found, and the local law enforcement
18 14 agency shall send an affidavit identifying the property to the
18 15 county auditor for entry on the lost property book of the
18 16 auditor. Current law provides that the property be deposited
18 17 with the clerk of court for lawful disposal.

18 18 The amendment to Code section 598.21 relates to modifying a
18 19 dissolution decree in a county other than the county where the
18 20 original decree was entered. The bill provides that upon
18 21 entering a modification in another county, the clerk shall
18 22 notify by regular mail, electronic transmission, or facsimile
18 23 the clerk of court in the county where the original decree was
18 24 entered.

18 25 The amendment to Code section 602.1304 increases the
18 26 maximum annual deposit into the enhanced court collections
18 27 fund from \$4 million to \$6 million. Certain moneys collected
18 28 by the judicial branch are deposited into the fund and the
18 29 moneys are used for the Iowa court information system, for
18 30 records management equipment, services, and projects, and for

18 31 other court technological improvements.

18 32 The amendment to Code section 602.6111 requires the clerk
18 33 of court to issue a personal identification number to each
18 34 party to a lawsuit on any first document filed with the clerk.
18 35 The bill also requires each party to submit the party's social
19 1 security number, if one has been issued, and the party's date
19 2 of birth. The bill provides that the clerk of court shall
19 3 keep the party's social security number confidential.

19 4 The amendment to Code section 602.8102(9) allows the clerk
19 5 of court to enter in the appearance docket a memorandum of the
19 6 date of filing of a new petition or order within 48 hours of
19 7 the filing of the document. The bill also permits the clerk
19 8 of court to complete the memorandum for all other pleadings as
19 9 soon as practicable. This amendment does not change the date
19 10 in which the pleading is filed. However, a pleading may not
19 11 be removed from the office of the clerk of court until the
19 12 memorandum is completed.

19 13 The amendment to Code sections 602.8102(11) and 624.20
19 14 relate to entering a satisfaction of judgment by the clerk of
19 15 court and court refunds. The bill permits the clerk of court
19 16 to enter a satisfaction of judgment if the amount of the
19 17 unsatisfied judgment is less than \$3. The bill also requires
19 18 that if a party is due a refund from the clerk's office, the
19 19 clerk need not refund the money if the amount of money due is
19 20 less than \$3, unless the party requests a refund in writing.
19 21 Current law provides that a satisfaction shall not be entered
19 22 unless the dollar amount is less than \$1, and money need not
19 23 be refunded to a party if the amount is less than \$1.

19 24 The amendment to Code section 602.8106(1)(b) changes the
19 25 filing fee assessed for nonscheduled simple misdemeanors from
19 26 \$25 to \$17.

19 27 The amendment to Code section 602.8106(1)(c) changes the
19 28 filing fee assessed for certain parking violations. The bill
19 29 increases the filing fees for parking violations pursuant to
19 30 Code section 321.236 other than violations in subsection 1,
19 31 and pursuant to Code sections 321.239, 321.358, 321.360, and
19 32 321.361, from \$1 to \$8, effective January 1, 2004.

19 33 The amendment to Code section 602.8106(1)(d) decreases the
19 34 court costs assessed in a scheduled violation case where a
19 35 court appearance is required from \$25 to \$17.

20 1 The amendment to Code section 602.8106(1)(e) increases the
20 2 amount of court costs assessed in a scheduled violation case
20 3 where a court appearance is not required from \$15 to \$17.

20 4 The amendment to Code section 631.5 eliminates the
20 5 requirement that the clerk of court notify the parties of a
20 6 default judgment entered in small claims court if the amount
20 7 of the judgment is not readily ascertainable by the clerk and
20 8 of assignment to a magistrate.

20 9 The amendment to Code section 631.6 permits the clerk of
20 10 court to charge a flat fee of \$8 for postage in a small claims
20 11 action rather than the actual cost of the postage.

20 12 The amendment to Code section 633.47 requires that the
20 13 costs of serving any notice given by the fiduciary shall be
20 14 paid directly by the estate rather than taxed as court costs.

20 15 The amendment to Code section 633.301 requires the clerk of
20 16 court to deliver a certified copy of a will to an executor
20 17 upon the filing of the original will with the clerk of court.
20 18 Current law requires the will be authenticated.

20 19 The amendments to Code sections 633.479, 633.480, 633.481,
20 20 and 635.7 eliminate the clerk of court's responsibility to
20 21 prepare a court officer's deed for the purpose of transferring
20 22 real property in an estate that has been opened with or
20 23 without administration. The bill provides that the heir, the
20 24 heir's attorney, or the personal representative shall be
20 25 responsible for preparing the documents for change of title
20 26 and delivering the documents to the county recorder.

20 27 The amendment to Code section 668.13 provides that interest
20 28 on a judgment be calculated upon the one year treasury
20 29 constant maturity published by the federal reserve, plus 2
20 30 percent.

20 31 The amendments to Code sections 902.4 and 903.2 permit the
20 32 clerk of court to deliver by regular mail the court's final
20 33 order from a reconsideration of sentence hearing. Current law
20 34 requires the final order to be mailed by certified mail.

20 35 The amendment to Code section 907.4 requires the judge to
21 1 search the deferred judgment docket rather than the state
21 2 court administrator. The bill provides the deferred judgment
21 3 docket shall be on a searchable database. The bill also
21 4 permits the department of corrections to have access to
21 5 deferred judgment records. Current law only permits the
21 6 courts and the county attorney access to the records.

21 7 The repeal of Code section 633.15 eliminates the
21 8 requirement that probate court always be open for business.
21 9 LSB 1209DP 80
21 10 jm/sh/8